



COMMERCE COUNCIL ACTION PACKET

**Thursday, April 20, 2006
12:30 – 2:30 P.M.
Room 404 – HOB**

COUNCIL MEETING REPORT

Commerce Council

4/20/2006 12:30:00PM

Location: 404 HOB

Summary:

Commerce Council

Thursday April 20, 2006 12:30 pm

HB 11 CS	Favorable	Yeas: 10	Nays: 1
HB 45 CS	Favorable	Yeas: 10	Nays: 0
HB 161 CS	Favorable With Committee Substitute	Yeas: 10	Nays: 0
HB 173 CS	Favorable With Committee Substitute	Yeas: 10	Nays: 0
HB 449 CS	Favorable With Committee Substitute	Yeas: 11	Nays: 0
HB 517 CS	Favorable With Committee Substitute	Yeas: 11	Nays: 0
HB 771 CS	Favorable	Yeas: 11	Nays: 0
HB 1113 CS	Favorable	Yeas: 10	Nays: 0
HB 1283 CS	Favorable With Committee Substitute	Yeas: 10	Nays: 0
HB 1285 CS	Favorable	Yeas: 7	Nays: 3
HB 1351 CS	Favorable With Committee Substitute	Yeas: 12	Nays: 0
HB 1361 CS	Favorable With Committee Substitute	Yeas: 11	Nays: 0
HB 7055 CS	Favorable	Yeas: 13	Nays: 0
HB 7107 CS	Favorable	Yeas: 10	Nays: 0
HB 7263	Favorable With Committee Substitute	Yeas: 11	Nays: 2

COUNCIL MEETING REPORT

Commerce Council

4/20/2006 12:30:00PM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Frank Farkas (Chair)	X		
Frank Attkisson	X		
Gus Bilirakis	X		
Ellyn Setnor Bogdanoff	X		
Terry Fields	X		
Kenneth Gottlieb	X		
Edward Jennings	X		
Charlie Justice	X		
Dick Kravitz	X		
Kenneth Littlefield	X		
Dennis Ross	X		
Timothy Ryan	X		
Anthony Traviesa	X		
Trudi Williams	X		
Totals:	14	0	0

COUNCIL MEETING REPORT

Commerce Council

4/20/2006 12:30:00PM

Location: 404 HOB

HB 11 CS : Indoor Smoking Places

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson		X			
Gus Bilirakis			X		
Ellyn Setnor Bogdanoff	X				
Terry Fields			X		
Kenneth Gottlieb	X				
Edward Jennings	X				
Charlie Justice	X				
Dick Kravitz	X				
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan	X				
Anthony Traviesa	X				
Trudi Williams			X		
Frank Farkas (Chair)	X				
Total Yeas: 10 Total Nays: 1					

Commerce - con

BILL NO
Subject
Date Received
Date Reported

11 CS

Amendments

Years	Nays		Years	Nays	Years	Nays	Years	Nays	Years	Nays
10	1	TOTALS								

COUNCIL MEETING REPORT

Commerce Council

4/20/2006 12:30:00PM

Location: 404 HOB

HB 45 CS : Electronic Communication

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Attkisson	X				
Gus Bilirakis			X		
Ellyn Setnor Bogdanoff	X				
Terry Fields			X		
Kenneth Gottlieb	X				
Edward Jennings	X				
Charlie Justice	X				
Dick Kravitz	X				
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan	X				
Anthony Traviesa			X		
Trudi Williams			X		
Frank Farkas (Chair)	X				
Total Yeas: 10 Total Nays: 0					

H-86

COUNCIL MEETING REPORT

Commerce Council

4/20/2006 12:30:00PM

Location: 404 HOB

HB 161 CS : Building Assessment and Remediation

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson	X				
Gus Bilirakis			X		
Ellyn Setnor Bogdanoff	X				
Terry Fields			X		
Kenneth Gottlieb	X				
Edward Jennings	X				
Charlie Justice	X				
Dick Kravitz	X				
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan	X				
Anthony Traviesa			X		
Trudi Williams			X		
Frank Farkas (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Appearances:

John Sebree (Lobbyist) - Opponent
Fl. Asso. of Realtors
200 S. Monroe Street
Tallahassee FL 32301

Jerry Sansom (Lobbyist) - Opponent
Fl. Home Inspectors Alliance
P. O. Box 200
Cocoa FL 32927
Phone: (321) 777-8130

Jim Nolan, Fl. Chapter President - Opponent
Nat. Asso. of Home Inspectors.
8935 Jonathan Manor Dr.
Orlando FL 32819

Keyna Cory, Chief Lobbyist (Lobbyist) - Proponent
Associated Industries of Florida
110 E. College Ave.
Tallahassee FL 32301
Phone: (850) 681-1065

H-836

H-83

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

1

Amendment No. 1

Bill No. HB 161 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Commerce Council

2 Representative(s) Domino offered the following:

3
4 **Amendment**

5 Remove line(s) 105-109, and insert:

6 (b) A person who performs mold assessment on property owned
7 or leased by that person, his or her employer, or an entity
8 affiliated with that employer through common ownership, or on
9 property operated or managed by that person's employer or an
10 entity affiliated with that employer through common ownership.
11 This exemption does not apply if the person, employer, or
12 affiliated entity engages in the business of performing mold
13 assessment for the public.
14
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Page 1 of 1

amend 1 to HB 161 CS Council

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

2

Amendment No. 2

Bill No. HB 161 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Commerce Council

Representative(s) Domino offered the following:

Amendment

Remove line(s) 130-136, and insert:

(b) A person who performs mold remediation on property owned or leased by that person, his or her employer, or an entity affiliated with that employer through common ownership, or on property operated or managed by that person's employer or an entity affiliated with that employer through common ownership. This exemption does not apply if the person, employer, or affiliated entity engages in the business of performing mold remediation for the public.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

3

Amendment No. 3

Bill No. HB 161 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Commerce Council

Representative(s) Domino offered the following:

Amendment

Remove line 90, and insert:

mold assessment or mold remediation training or education
respectively. Qualified certification

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4

Bill No. HB 161 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Commerce Council

2 Representative(s) Domino offered the following:

3
4 **Amendment**

5 Remove line(s) 110-111, and insert:

6 (c) An employee of a mold assessor while directly
7 supervised by the mold assessor.
8
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Page 1 of 1

Amend 4 to HB 161 CS

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

5

Amendment No. 5

Bill No. HB 161 CS

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Commerce Council
2 Representative(s) Attkisson offered the following:
3

4 **Amendment**

5 Remove line 72 and insert:

6 microbiology, engineering, architecture, industrial hygiene,
7 safety, or
8
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Page 1 of 1

Amend 4 to HB 161 CS

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

6

Amendment No. 6

Bill No. HB 161 CS

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Commerce Council

2 Representative(s) Attkisson offered the following:

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4 **Amendment**

5 Remove line 79 and insert:

6 microbiology, engineering, architecture, industrial hygiene,
7 safety, or
8
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Page 1 of 1

Amend 4 to HB 161 CS

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COUNCIL MEETING REPORT

Commerce Council

4/20/2006 12:30:00PM

Location: 404 HOB

HB 173 CS : Construction Contracts

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson	X				
Gus Bilirakis			X		
Ellyn Setnor Bogdanoff	X				
Terry Fields			X		
Kenneth Gottlieb	X				
Edward Jennings	X				
Charlie Justice	X				
Dick Kravitz			X		
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan	X				
Anthony Traviesa	X				
Trudi Williams			X		
Frank Farkas (Chair)	X				
Total Yeas: 10 Total Nays: 0					

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 173 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

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Council/Committee hearing bill: Commerce Council
Representative(s) Ross offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 627.442, Florida Statutes, is created
to read:

627.442 Construction contract insurance provisions;
acceptance, rejection, or application.--

(1) If a written construction contract requires a
subcontractor, sub-subcontractor, or materialman to provide an
insurance policy or certificate of insurance to the prime
contractor or another subcontractor evidencing the extension of
coverage rights to an additional insured, the prime contractor
or subcontractor may reject the policy or certificate as not
sufficiently evidencing insurance conforming to the contract
requirements within 30 business days of receipt for commercial
construction projects or within 7 business days of receipt for
residential construction projects. Any such rejection must be in
writing and must specify the reasons that the policy or
certificate does not sufficiently evidence insurance conforming
to the contract requirements. If a policy or certificate is

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 rejected as provided in this subsection, no payment to the
24 subcontractor, sub-subcontractor, or materialman shall be due
25 for any labor, services, or materials supplied, and no valid
26 lien or payment bond claim pertaining thereto shall exist, until
27 the subcontractor, sub-subcontractor, or materialman obtains and
28 evidences insurance conforming to the contract requirements. If
29 the policy or certificate is not rejected as provided in this
30 subsection, payment may not be withheld by the owner, lender,
31 prime contractor, or subcontractor based upon the failure of the
32 subcontractor, sub-subcontractor, or materialman to evidence
33 insurance conforming to the contract requirements. For purposes
34 of this section, "residential construction project" means the
35 construction, remodeling, repair, or improvement of a one-
36 family, two-family, or three-family residence not exceeding two
37 habitable stories above no more than one uninhabitable story,
38 and accessory use structures in connection therewith. For
39 purposes of this section, "commercial construction project"
40 means any construction, remodeling, repair, or improvement that
41 does not constitute a residential construction project.

42 (2) Notwithstanding subsections (1) or (3), no payment to
43 the subcontractor, sub-subcontractor, or materialman shall be
44 due for any labor, services, or materials supplied, and no valid
45 lien or payment bond claim pertaining thereto shall exist, until
46 that subcontractor, sub-subcontractor, or materialman obtains
47 and evidences insurance conforming to the contract requirements,
48 if:

49 (a) The policy or certificate does not accurately reflect
50 the coverages contained in the policy in force, or

51 (b) The policy is canceled, nonrenewed, or its terms are
52 materially and adversely altered such that it no longer
53 satisfies the contract requirements.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

54 (3) Nothing in this section shall prohibit a prime
55 contractor or subcontractor from rejecting a policy or
56 certificate as not sufficiently evidencing insurance conforming
57 to the contract requirements, at any point beyond the time
58 periods specified in subsection (1), if such rejection is in
59 writing and specifies the reasons for rejection. If a policy or
60 certificate is rejected as described in this subsection, no
61 payment to the subcontractor, sub-subcontractor, or materialman
62 shall be due, and no valid lien or payment bond claim shall
63 exist, for labor, services, or materials supplied after the
64 rejection is received, until that subcontractor, sub-
65 subcontractor, or materialman obtains and evidences insurance
66 conforming to the contract requirements.

67 (4) Nothing in this section shall be construed to toll the
68 required time period within which a claim of lien or a claim
69 against a payment bond must be filed.

70 (5) This section shall not apply if at the time of the
71 request for proposals or bids, or prior to the subcontractor,
72 sub-subcontractor, or materialman commencing work or supplying
73 materials under the construction contract, the prime contractor
74 or subcontractor provides a sample of an acceptable certificate
75 of insurance or a one-page schedule accurately reflecting all
76 insurance requirements which extend coverage rights to an
77 additional insured for that contract to the subcontractor, sub-
78 subcontractor, or materialman, and the insurance provided by the
79 subcontractor, sub-subcontractor, or materialman does not comply
80 with the construction contract. A schedule or sample certificate
81 of insurance issued under this subsection shall not be deemed to
82 amend or modify the contract between the parties in any way or
83 to waive any requirement of the contract unless the schedule or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

84 certificate expressly states that such an amendment,
85 modification, or waiver is intended.

86 (6) This section shall apply to contracts entered into on
87 or after October 1, 2006.

88 Section 2. Section 627.443, Florida Statutes, is created
89 to read:

90 Notwithstanding any other provision in this chapter, any
91 person requiring a workers' compensation policy pursuant to a
92 construction contract shall not require such policy to be issued
93 by an insurer or self-insurance fund that is rated by a
94 nationally recognized insurance rating service, provided the
95 issuing insurer or self-insurance fund is subject to part V of
96 chapter 631.

97 Section 3. This act shall take effect October 1, 2006.
98

99 ===== T I T L E A M E N D M E N T =====

100 Remove the entire title and insert:

101 A bill to be entitled

102 An act relating to construction contracts; creating s.
103 627.422, F.S.; specifying acceptance of certain insurance
104 provisions of a construction contract under certain
105 circumstances; providing exceptions; prohibiting certain
106 actions after acceptance of such provisions; providing
107 definitions; providing an exception authorizing such
108 actions under certain circumstances; authorizing
109 contractors or subcontractors to reject certain accepted
110 construction contract insurance provisions as
111 nonconforming under certain circumstances; authorizing
112 such contractors and subcontractors to withhold payment
113 for work performed or materials supplied under certain
114 circumstances; prohibiting rejecting certain policies of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

115 insurance on certain grounds; specifying nonapplication of
116 construction contract insurance provisions under certain
117 circumstances; providing construction; creating s.
118 627.443, F.S.; prohibiting the requirement that workers'
119 compensation policies are issued by a rated insurer or
120 self-insurance fund; providing an effective date.

COUNCIL MEETING REPORT

Commerce Council

4/20/2006 12:30:00PM

Location: 404 HOB

HB 449 CS : Economic Development

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson	X				
Gus Bilirakis			X		
Ellyn Setnor Bogdanoff	X				
Terry Fields	X				
Kenneth Gottlieb	X				
Edward Jennings	X				
Charlie Justice			X		
Dick Kravitz			X		
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan	X				
Anthony Traviesa	X				
Trudi Williams	X				
Frank Farkas (Chair)	X				
Total Yeas: 11 Total Nays: 0					

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

Bill No. **HB 449 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	— (Y/N)
ADOPTED AS AMENDED	— (Y/N)
ADOPTED W/O OBJECTION	— (Y/N)
FAILED TO ADOPT	— (Y/N)
WITHDRAWN	— (Y/N)
OTHER	—

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1 Council/Committee hearing bill: Commerce Council

2 Representative(s) Grant offered the following:

3
4 **Amendment**

5 Remove line(s) 464-479 and insert:

6 290.78 Enterprise zone designation for Charlotte County or
7 Charlotte County and Punta Gorda.-- Charlotte County or
8 Charlotte County and the City of Punta Gorda may apply to the
9 Office of Tourism, Trade, and Economic Development for
10 designation of one enterprise zone encompassing an area not to
11 exceed 10 square miles. The enterprise zone shall be located in
12 an area encompassing the Charlotte County Airport Authority
13 property and bounded by U.S. Highway 17 to the north and Jones
14 Loop Road to the south. The application must be submitted by
15 December 31, 2006, and must comply with the requirements of s.
16 290.0055, with the exception of s. 290.0055 (4) (c).
17 Notwithstanding the provisions of s. 290.0065 limiting the total
18 number of enterprise zones designated and the number of
19 enterprise zones within a population category, the Office of
20 Tourism, Trade, and Economic Development may designate one
21 enterprise zone under this section. The Office of Tourism,
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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

22 | Trade, and Economic Development shall establish the initial
23 | effective date of the enterprise zone designated pursuant to
24 | this section.
25 |
26 |

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COUNCIL MEETING REPORT

Commerce Council

4/20/2006 12:30:00PM

Location: 404 HOB

HB 517 CS : Corporation Not For Profit Self-Insurance Funds

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson	X				
Gus Bilirakis			X		
Ellyn Setnor Bogdanoff	X				
Terry Fields			X		
Kenneth Gottlieb	X				
Edward Jennings	X				
Charlie Justice	X				
Dick Kravitz	X				
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan	X				
Anthony Traviesa	X				
Trudi Williams			X		
Frank Farkas (Chair)	X				
Total Yeas: 11 Total Nays: 0					

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 517 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Commerce Council
2 Representative(s) Ross offered the following:
3

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:
6 Section 1. Subsection (1) of section 624.4622, Florida
7 Statutes, is amended to read:

8 624.4622 Local government self-insurance funds.--

9 (1) Any two or more local governmental entities may enter
10 into interlocal agreements for the purpose of securing the
11 payment of benefits under chapter 440, or to insure or self-
12 insure real or personal property of every kind and of every
13 interest therein against loss or damage from any and all hazard
14 or cause and against loss consequential to such loss or damage.
15 provided the local government self-insurance fund that is
16 created must:

17 (a) Have annual normal premiums in excess of \$5 million;
18 (b) Maintain a continuing program of excess insurance
19 coverage and reserve evaluation to protect the financial
20 stability of the fund in an amount and manner determined by a
21 qualified and independent actuary;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

(c) Submit annually an audited fiscal year-end financial statement by an independent certified public accountant within 6 months after the end of the fiscal year to the office; and

(d) Have a governing body which is comprised entirely of local elected officials.

Section 2. Subsection (3) is added to section 624.4623, Florida Statutes, to read:

624.4623 Independent Educational Institution Self-Insurance Funds.--

(3) An independent educational institution self-insurance fund shall not be required to participate in, nor shall be entitled to coverage under, the guaranty associations created pursuant to Parts II and V of Chapter 631.

Section 3. Section 624.4624, Florida Statutes, is created to read:

624.4624 .-- Corporation not for profit self-insurance funds.-

(1) Notwithstanding any other provision of law, any two or more corporations not for profit located in and organized under the laws of this state may form a self-insurance fund for the purpose of pooling and spreading liabilities of its group members in any one or combination of property or casualty risk or surety insurance or securing the payment of benefits under chapter 440, provided the nonprofit organization self-insurance fund that is created:

(a) Has annual normal premiums in excess of \$5 million.

(b) Requires for qualification that each participating member receive at least 75 percent of its revenues from local, state, or federal governmental sources or a combination thereof.

(c) Uses a qualified actuary to determine rates using accepted actuarial principles and annually submits to the office

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

53 a certification by the actuary that the rates are actuarially
54 sound and are not inadequate, as defined in s. 627.062.

55 (d) Uses a qualified actuary to establish reserves for
56 loss and loss adjustment expenses and annually submits to the
57 office a certification by the actuary that the loss and loss
58 adjustment expense reserves are adequate. If the actuary
59 determines that reserves are not adequate, the fund shall file a
60 remedial plan for increasing the reserves or otherwise
61 addressing the financial condition of the fund, subject to a
62 determination by the office that the fund will operate on an
63 actuarially sound basis and does not pose a significant risk of
64 insolvency.

65 (e) Maintains a continuing program of excess insurance
66 coverage and reserve evaluation to protect the financial
67 stability of the fund in an amount and manner determined by a
68 qualified actuary. At a minimum, this program must:

69 1. Purchase excess insurance from authorized insurance
70 carriers; and

71 2. Retain a per-loss occurrence that does not exceed
72 \$350,000.

73 (f) Submits to the office annually an audited fiscal year-
74 end financial statement by an independent certified public
75 accountant within 6 months after the end of the fiscal year.

76 (g) Has a governing body that is comprised entirely of
77 officials from corporations not for profit that are members of
78 the corporation not for profit self-insurance fund.

79 (h) Uses knowledgeable persons or business entities to
80 administer or service the fund in the areas of claims
81 administration, claims adjusting, underwriting, risk management,
82 loss control, policy administration, financial audit, and legal.
83 Such persons or business entities must meet all applicable

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

requirements of law for state licensure and must have at least 5 years' experience with commercial self-insurance funds formed under s. 624.462, self-insurance funds formed under s. 624.4662, or domestic insurers.

(i) Submits to the office copies of contracts used for its members which clearly establish the liability of each member for the obligations of the fund.

(j) Annually submits to the office a certification by the governing body of the fund that, to the best of its knowledge, the requirements of this section are met.

(2) As used in this section, the term "qualified actuary" means an actuary that is a member of the Casualty Actuarial Society or the American Academy of Actuaries.

(3) A corporation not for profit self-insurance fund that meets the requirements of this section is not:

(a) An insurer for purposes of participation in, or coverage by, any insurance guaranty association established by chapter 631; or

(b) Subject to s. 624.4621 and is not required to file any report with the department under s. 440.38(2)(b) which is uniquely required of group self-insurer funds qualified under s. 624.4621.

(4) Premiums, contributions, and assessments received by a corporation not for profit self-insurance fund are subject to ss. 624.509(1) and (2) and 624.5092, except that the tax rate shall be 1.6 percent of the gross amount of such premiums, contributions, and assessments.

(5) If any of the requirements of this section are not met, a corporation not for profit self-insurance fund is subject to the requirements of s. 624.4621 if the fund provides only workers' compensation coverage, or is subject to the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

115 requirements of ss. 624.460-624.488 if the fund provides
116 coverage for other property, casualty, or surety risks.

117 Section 4. Section 627.443, Florida Statutes, is created
118 to read:

119 Notwithstanding any other provision in this chapter, a
120 workers' compensation insurance policy issued by a self-
121 insurance fund that is subject to part V of chapter 631 may not
122 be rejected by any person requiring a workers' compensation
123 insurance policy pursuant to a construction contract, if such
124 rejection is because the self-insurance fund is not rated by a
125 nationally-recognized insurance rating service.

126 Section 5. This act shall take effect July 1, 2006.
127

128 ===== T I T L E A M E N D M E N T =====

129 Remove the entire title and insert:

130 A bill to be entitled

131 An act relating to self-insurance funds; amending s.
132 624.4622, F.S.; providing authorizations for local
133 government self-insurance funds to self-insure real or
134 personal property; amending s. 624.4623, F.S.; providing
135 independent educational institutions self-insurance funds
136 are not covered by guaranty associations; creating s.
137 624.4624, F.S.; authorizing two or more corporations not
138 for profit to form a self-insurance fund for certain
139 purposes; providing specific requirements; providing an
140 exception; providing for payment of insurance premium tax
141 at a reduced rate by corporation not for profit self-
142 insurance funds; creating s. 627.443, F.S.; prohibiting
143 rejecting certain policies of insurance on certain
144 grounds; providing an effective date.

COUNCIL MEETING REPORT

Commerce Council

4/20/2006 12:30:00PM

Location: 404 HOB

HB 771 CS : Cosmetology

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson	X				
Gus Bilirakis			X		
Ellyn Setnor Bogdanoff	X				
Terry Fields			X		
Kenneth Gottlieb	X				
Edward Jennings	X				
Charlie Justice	X				
Dick Kravitz	X				
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan	X				
Anthony Traviesa	X				
Trudi Williams			X		
Frank Farkas (Chair)	X				
Total Yeas: 11 Total Nays: 0					

Appearances:

John McBride (Lobbyist) (State Employee) - Information Only
Dept. of Business & Professional Regulation
1940 N. Monroe St.
Tallahassee FL 32399
Phone: 487-4827

H-83

COUNCIL MEETING REPORT

Commerce Council

4/20/2006 12:30:00PM

Location: 404 HOB

HB 1113 CS : Insurance Agents

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Attkisson	X				
Gus Bilirakis			X		
Ellyn Setnor Bogdanoff	X				
Terry Fields			X		
Kenneth Gottlieb	X				
Edward Jennings	X				
Charlie Justice	X				
Dick Kravitz			X		
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan	X				
Anthony Traviesa	X				
Trudi Williams			X		
Frank Farkas (Chair)	X				
Total Yeas: 10 Total Nays: 0					

COUNCIL MEETING REPORT

Commerce Council

4/20/2006 12:30:00PM

Location: 404 HOB

HB 1283 CS : Innovation Incentives

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson	X				
Gus Bilirakis			X		
Ellyn Setnor Bogdanoff	X				
Terry Fields			X		
Kenneth Gottlieb	X				
Edward Jennings	X				
Charlie Justice	X				
Dick Kravitz			X		
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan	X				
Anthony Traviesa	X				
Trudi Williams			X		
Frank Farkas (Chair)	X				
Total Yeas: 10		Total Nays: 0			

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

Bill No. **HB 1283 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

OK
mwc
4/20

Council/Committee hearing bill: Commerce Council

Representative(s) Attkisson offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (2) and paragraphs (a) and (b) of subsection (3) of section 288.1088, Florida Statutes, are amended to read:

288.1088 Quick Action Closing Fund.--

(2) There is created within the Office of Tourism, Trade, and Economic Development the Quick Action Closing Fund. Projects eligible for receipt of funds from the Quick Action Closing Fund shall:

(a) Be in a targeted industry as referenced in s. 288.106.

(b) Have a positive payback ratio of at least 5 to 1.

(c) Be an inducement to the project's location or expansion in the state.

(d) Pay an average annual wage of at least 125 percent of the areawide or statewide private-sector average wage.

(e) Be supported by the local community in which the project is to be located.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

(3)(a) Enterprise Florida, Inc., shall determine eligibility of each project consistent with the criteria in subsection (2). Enterprise Florida, Inc., in consultation with the Office of Tourism, Trade, and Economic Development, may waive these criteria based on extraordinary circumstances when the project would significantly benefit the local or regional economy. Enterprise Florida, Inc., shall evaluate individual proposals for high-impact business facilities and forward recommendations regarding the use of moneys in the fund for such facilities to the director of the Office of Tourism, Trade, and Economic Development. Such evaluation and recommendation must include, but need not be limited to:

1. A description of the type of facility or infrastructure, its operations, and the associated product or service associated with the facility.

2. The number of full-time-equivalent jobs that will be created by the facility and the total estimated average annual wages of those jobs or, in the case of privately developed rural infrastructure, the types of business activities and jobs stimulated by the investment.

3. The cumulative amount of investment to be dedicated to the facility within a specified period.

4. A statement of any special impacts the facility is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

5. A statement of the role the incentive is expected to play in the decision of the applicant business to locate or expand in this state or for the private investor to provide critical rural infrastructure.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

(b) Upon receipt of the evaluation and recommendation from Enterprise Florida, Inc., the director shall recommend approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund to the Governor. In recommending a project, the director shall include proposed performance conditions that the project must meet to obtain incentive funds. The Governor shall provide the evaluations of projects recommended for approval to the President of the Senate and the Speaker of the House of Representatives and consult with the President of the Senate and the Speaker of the House of Representatives before giving final approval for a project. The Executive Office of the Governor shall recommend approval of a project and the release of funds pursuant to the legislative consultation and review requirements set forth in s. 216.177. The recommendation must include proposed performance conditions that the project must meet in order to obtain funds.

Section 2. Section 288.1089, Florida Statutes, is created to read:

288.1089 Innovation Incentive Program.--

(1) The Innovation Incentive Program is created within the Office of Tourism, Trade, and Economic Development to ensure that sufficient resources are available to allow the state to respond expeditiously to extraordinary economic opportunities and to compete effectively for high value research and development and innovation business projects.

(2) As used in this section, the term:

(a) "Average private sector wage" means the statewide average wage in the private sector or the average of all private sector wages in the county or in the standard metropolitan area in which the project is located as determined by the Agency for Workforce Innovation.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

(b) "Brownfield area" means an area designated as a brownfield area pursuant to s. 376.80.

(c) "Cumulative investment" means cumulative capital investment and all eligible capital costs, as defined in s. 220.191.

(d) "Director" means the director of the Office of Tourism, Trade, and Economic Development.

(e) "Enterprise zone" means a area designated as an enterprise zone pursuant to s. 290.0065.

(f) "Fiscal year" means the state fiscal year.

(g) "Innovation business" means a business expanding or locating in this state that is likely to serve as a catalyst for the growth of an existing or emerging technology cluster or will significantly impact the regional economy in which it is to expand or locate.

(h) "Jobs" means full-time equivalent positions, as that term is consistent with terms used by the Agency for Workforce Innovation and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation, resulting directly from a project in this state. The term does not include temporary construction jobs.

(i) "Match" means funding from local sources, public or private, which will be paid to the applicant and which is equal to 100 percent of an award. Eligible match funding may include any tax abatement granted to the applicant under s. 196.1995 or the appraised market value of land, buildings, infrastructure, or equipment conveyed or provided at a discount to the applicant. Complete documentation of a match payment or other conveyance must be presented to and verified by the office prior to transfer of state funds to an applicant. An applicant may not provide, directly or indirectly, more than 5 percent of match

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

funding in any fiscal year. The sources of such funding may not include, directly or indirectly, state funds appropriated from the General Revenue Fund or any state trust fund, excluding tax revenues shared with local governments pursuant to law.

(j) "Office" means the Office of Tourism, Trade, and Economic Development.

(k) "Project" means the location to or expansion in this state by an innovation business or research and development applicant approved for an award pursuant to this section.

(l) "Research and development" means basic and applied research in the sciences or engineering, as well as the design, development, and testing of prototypes or processes of new or improved products. Research and development does not include market research, routine consumer product testing, sales research, research in the social sciences or psychology, nontechnological activities, or technical services.

(m) "Research and development facility" means a facility that is predominately engaged in research and development activities. For purposes of this paragraph, the term "predominantly" means at least 51 percent of the time.

(n) "Rural area" means a rural city, a rural community, or a rural county as defined pursuant to s. 288.106.

(3) To be eligible for consideration for an innovation incentive award, an innovation business or research and development entity must submit a written application to Enterprise Florida, Inc., before making a decision to locate new operations in this state or expand an existing operation in this state. The application must include, but not be limited to:

(a) The applicant's federal employer identification number, unemployment account number, and state sales tax registration number. If such numbers are not available at the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

145 time of application, they must be submitted to the office in
146 writing prior to the disbursement of any payments under this
147 section.

148 (b) The location in this state at which the project is
149 located or is to be located.

150 (c) A description of the type of business activity,
151 product, or research and development undertaken by the
152 applicant, including six-digit North American Industry
153 Classification System codes for all activities included in the
154 project.

155 (d) The applicant's projected investment in the project.

156 (e) The total investment, from all sources, in the
157 project.

158 (f) The number of net new full-time equivalent jobs in
159 this state the applicant anticipates having created as of
160 December 31 of each year in the project and the average annual
161 wage of such jobs.

162 (g) The total number of full-time equivalent employees
163 currently employed by the applicant in this state, if
164 applicable.

165 (h) The anticipated commencement date of the project.

166 (i) A detailed explanation of why the innovation incentive
167 is needed to induce the applicant to expand or locate in the
168 state and whether an award would cause the applicant to locate
169 or expand in this state.

170 (j) If applicable, an estimate of the proportion of the
171 revenues resulting from the project that will be generated
172 outside this state.

173 (4) To qualify for review by the office, the applicant
174 must, at a minimum, establish the following to the satisfaction
175 of Enterprise Florida, Inc., and the office:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

76 (a) The jobs created by the project must pay an estimated
177 annual average wage equaling at least 130 percent of the average
178 private sector wage. The office may waive this average wage
179 requirement at the request of Enterprise Florida, Inc., for a
180 project located in a rural area, a brownfield area or in an
181 enterprise zone, when the merits of the individual project or
182 the specific circumstances in the community in relationship to
183 the project warrant such action. A recommendation for waiver by
184 Enterprise Florida, Inc., must include a specific justification
185 for the waiver and be transmitted to the office in writing. If
186 the director elects to waive the wage requirement, the waiver
187 must be stated in writing and the reasons for granting the
188 waiver must be explained.

189 , (b) A research and development project must:

190 1. Serve as a catalyst for an emerging or evolving
191 technology cluster.

192 2. Demonstrate a plan for significant higher education
193 collaboration.

194 3. Provide the state, at a minimum, a break-even return on
195 investment within a 20-year period.

196 4. Be provided with a one to one match from the local
197 community. The match requirement may be reduced or waived in
198 rural areas, brownfield areas, and enterprise zones.

199 (c) An innovation business project in this state, other
200 than a research and development project, must:

201 1.a. Result in the creation of at least 1,000 direct, new
202 jobs at the business; or

203 b. Result in the creation of at least 750 direct, new jobs
204 if the project is located in a rural area, a brownfield area, or
205 in an enterprise zone.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

2. Have an activity or product that is within an industry that is designated as a target industry business under s. 288.106 or a designated sector under s. 288.108.

3.a. Have a cumulative investment of at least \$500 million within a 5-year period; or

b. Have a cumulative investment that exceeds \$375 million within a 5-year period if the project is located in a rural area, a brownfield area, or in an enterprise zone.

(5) Enterprise Florida, Inc., shall evaluate proposals for innovation incentive awards and transmit recommendations for awards to the office. Such evaluation and recommendation must include, but need not be limited to:

(a) A description of the project, its required facilities, and the associated product, service, or research and development associated with the project.

(b) The percentage of match provided for the project.

(c) The number of full-time equivalent jobs that will be created by the project, the total estimated average annual wages of such jobs, and the types of business activities and jobs likely to be stimulated by the investment.

(d) The cumulative investment to be dedicated to the project within 5 years and the total investment expected in the project if more than 5 years.

(e) The projected economic and fiscal impacts on the local and state economies relative to investment.

(f) A statement of any special impacts the project is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

(g) A statement of any anticipated or proposed relationships with state universities.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

237 (h) A statement of the role the incentive is expected to
238 play in the decision of the applicant to locate or expand in
239 this state.

240 (i) A recommendation and explanation of the amount of the
241 award needed to cause the applicant to expand or locate in this
242 state.

243 (j) A discussion of the efforts and commitments made by
244 the local community in which the project is to be located to
245 induce the applicant's location or expansion, taking into
246 consideration local resources and abilities.

247 (k) A recommendation for specific performance criteria the
248 applicant would be expected to achieve in order to receive
249 payments from the fund and penalties or sanctions for failure to
250 meet or maintain performance conditions.

251 (l) For a research and development facility project:

252 1. A description of the extent to which the project has
253 the potential to serve as catalyst for an emerging or evolving
254 cluster.

255 2. A description of the extent to which the project has or
256 could have a long-term collaborative research and development
257 relationship with one or more universities or community colleges
258 in this state.

259 3. A description of the existing or projected impact of
260 the project on established clusters or targeted industry
261 sectors.

262 4. A description of the project's contribution to the
263 diversity and resiliency of the innovation economy of this
264 state.

265 5. A description of the project's impact on special-needs
266 communities, including, but not limited to, rural areas,
267 distressed urban areas, and enterprise zones.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

268 (6) In consultation with Enterprise Florida, Inc., the
269 office may negotiate the proposed amount of an award for any
270 applicant meeting the requirements of this section. In
271 negotiating such award, the office shall consider the amount of
272 the incentive needed to cause the applicant to locate or expand
273 in this state in conjunction with other relevant applicant
274 impact and cost information and analysis as described in this
275 section. Particular emphasis shall be given to the potential for
276 the project to stimulate additional private investment and high-
277 quality employment opportunities in the area.

278 (7) Upon receipt of the evaluation and recommendation from
279 Enterprise Florida, Inc., the director shall recommend to the
280 Governor the approval or disapproval of an award. In
281 recommending approval of an award, the director shall include
282 proposed performance conditions that the applicant must meet in
283 order to obtain incentive funds and any other conditions that
284 must be met before the receipt of any incentive funds. The
285 Governor shall consult with the President of the Senate and the
286 Speaker of the House of Representatives before giving approval
287 for an award. Upon approval of an award, the Executive Office of
288 the Governor shall release the funds pursuant to the legislative
289 consultation and review requirements set forth in s. 216.177.

290 (8) Upon approval by the Governor and release of the funds
291 as set forth in subsection (7), the director shall issue a
292 letter certifying the applicant as qualified for an award. The
293 office and the applicant shall enter into an agreement that sets
294 forth the conditions for payment of incentives. The agreement
295 must include the total amount of funds awarded; the performance
296 conditions that must be met to obtain the award or portions of
297 the award, including, but not limited to, net new employment in
298 the state, average wage, and total cumulative investment;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

demonstration of a baseline of current service and a measure of enhanced capability; the methodology for validating performance; the schedule of payments; and sanctions for failure to meet performance conditions, including any claw-back provisions.

(9) Enterprise Florida, Inc., shall assist the office in validating the performance of an innovation business or research and development facility that has received an award. At the conclusion of the innovation incentive award agreement, or its earlier termination, Enterprise Florida, Inc., shall, within 90 days, report the results of the innovation incentive award to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(10) Enterprise Florida, Inc., shall develop business ethics standards based on appropriate best industry practices which shall be applicable to all award recipients. The standards shall address ethical duties of business enterprises, fiduciary responsibilities of management and compliance with Florida law. Enterprise Florida may collaborate with the State University System in reviewing and evaluating appropriate business ethics standards. Such standards shall be provided to the Governor, President of the Senate and Speaker of the House of Representatives by December 31, 2006. An award agreement entered into on or after December 31, 2006 shall require a recipient to comply with the business ethics standards developed pursuant to this section.

Section 3. Subsections (16) through (19) of section 403.973, Florida Statutes, are renumbered as subsections (17) through (20), respectively, and a new subsection (16) is added to that section, to read:

403.973 Expedited permitting; comprehensive plan amendments.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

(16) The office, working with the agencies participating in the memoranda of agreement, shall review sites proposed for the location of facilities eligible for the Innovation Incentive Program under s. 288.1089. Within 20 days after the request for the review by the office, the agencies shall provide to the office a statement as to each site's necessary permits under local, state, and federal law and an identification of significant permitting issues, which if unresolved, may result in the denial of an agency permit or approval or any significant delay caused by the permitting process.

Section 4. Paragraph (e) of subsection (2) of section 288.0655, Florida Statutes, is amended to read:

288.0655 Rural Infrastructure Fund.--

(2)

(e) To enable local governments to access the resources available pursuant to s. 403.973~~(19)(18)~~, the office may award grants for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. Authorized grants under this paragraph shall not exceed \$75,000 each, except in the case of a project in a rural area of critical economic concern, in which case the grant shall not exceed \$300,000. Any funds awarded under this paragraph must be matched at a level of 50 percent with local funds, except that any funds awarded for a project in a rural area of critical economic concern must be matched at a level of 33 percent with local funds. In evaluating applications under this paragraph, the office shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

Section 5. There is appropriated \$50 million from nonrecurring funds from the General Revenue Fund in fiscal year

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

2006-2007 to the Quick Action Closing Fund for the 2006-2007
fiscal year.

Section 6. For fiscal year 2006-2007, the sum of
\$250,000,000 is appropriated from nonrecurring general revenue
to the Office of Tourism, Trade, and Economic Development.
Notwithstanding s. 216.301, Florida Statutes, and pursuant to s.
216.351, Florida Statutes, any unexpended balance from this
appropriation shall be carried forward at the end of each fiscal
year until the 2010-2011 fiscal year. At the end of the 2010-
2011 fiscal year, any obligated funds for qualified projects
that are not yet disbursed shall remain with the office to be
used for the purposes of this act. Any unobligated funds of this
appropriation shall revert to the General Revenue Fund
unallocated at the end of the 2010-2011 fiscal year.

Section 7. This act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to innovation incentives; amending s. 288.1088,
F.S.; providing eligibility criteria for receipt of funds;
requiring Enterprise Florida, Inc., to determine eligibility
using specified criteria; providing for waiver of eligibility
criteria under certain circumstances; requiring the Governor to
provide evaluations of certain projects to the President of the
Senate and the Speaker of the House of Representatives;
providing an appropriation; creating s. 288.1089, F.S.; creating
within the Office of Tourism, Trade, and Economic Development
the Innovation Incentive Program for certain purposes; providing

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

392 definitions; providing for innovation incentive awards;
393 providing limitations; providing qualification requirements for
394 review of applicants and projects by the office and Enterprise
395 Florida, Inc.; providing proposal evaluation and recommendation
396 requirements for Enterprise Florida, Inc.; authorizing the
397 office to negotiate award amounts to applicants; providing
398 negotiation requirements; requiring the director of the office
399 to make recommendations to the Governor for approval or
400 disapproval of certain projects; providing recommendation
401 requirements; requiring consultation with the Legislature;
402 providing for certification of applicants as qualified
403 innovation businesses; providing for incentive payment
404 agreements; requiring Enterprise Florida, Inc., to assist the
405 office in validating certain business performances; requiring a
406 report; requiring Enterprise Florida, Inc., to establish
407 business ethics standards; requiring the standards to be
408 reported to the Governor, President of the Senate and Speaker of
409 the House of Representatives; requiring incentive award
410 agreements to require compliance with the standards; amending s.
411 403.973, F.S.; requiring the office to review certain sites for
412 projects funded under the Innovation Incentive Program; amending
413 s. 288.0655, F.S.; correcting a cross-reference; providing an
414 appropriation; providing for carrying forward certain unexpended
415 balances of appropriations until a time certain; providing for
416 office retention of obligated funds to be used for certain
417 purposes; providing for reversion of unobligated funds;
418 providing an effective date.

COUNCIL MEETING REPORT

Commerce Council

4/20/2006 12:30:00PM

Location: 404 HOB

HB 1285 CS : Public Records Exemptions

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson	X				
Gus Bilirakis			X		
Ellyn Setnor Bogdanoff	X				
Terry Fields			X		
Kenneth Gottlieb		X			
Edward Jennings	X				
Charlie Justice		X			
Dick Kravitz			X		
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan		X			
Anthony Traviesa	X				
Trudi Williams			X		
Frank Farkas (Chair)	X				
Total Yeas: 7		Total Nays: 3			

H-83

COUNCIL MEETING REPORT

Commerce Council

4/20/2006 12:30:00PM

Location: 404 HOB

HB 1351 CS : Contracts Entered into by Unlicensed Contractors

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson	X				
Gus Bilirakis			X		
Ellyn Setnor Bogdanoff	X				
Terry Fields	X				
Kenneth Gottlieb	X				
Edward Jennings	X				
Charlie Justice			X		
Dick Kravitz	X				
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan	X				
Anthony Traviesa	X				
Trudi Williams	X				
Frank Farkas (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

Norm Mugford, Chairman - Opponent
Electrical Contractors' Licensing Board
(no address given)
Bunnell FL 32110

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1351

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Commerce Council

Representative(s) Reagan offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraphs (a) and (b) of subsection (1) of section 489.128, Florida Statutes, are amended to read:

489.128 Contracts entered into by unlicensed contractors unenforceable.--

(1) As a matter of public policy, contracts entered into on or after October 1, 1990, by an unlicensed contractor shall be unenforceable in law or in equity by the unlicensed contractor.

(a) For purposes of this section, an individual is unlicensed if the individual does not have a license required by this part concerning the scope of the work to be performed under the contract. A business organization is unlicensed if the business organization does not have a primary or secondary qualifying agent in accordance with this part concerning the scope of the work to be performed under the contract. For purposes of this section, if no state or local license is



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 required for the scope of work to be performed under the
23 contract, the individual performing that work shall not be
24 considered unlicensed.

25 (b) For purposes of this section, an individual or
26 business organization may shall not be considered unlicensed for
27 failing to have an occupational license certificate issued under
28 the authority of chapter 205. A business organization may shall
29 not be considered unlicensed for failing to have a certificate
30 of authority as required by ss. 489.119 and 489.127. For
31 purposes of this section, a business organization entering into
32 the contract may not be considered unlicensed if, before the
33 date established by paragraph (c), an individual possessing a
34 license required by this part concerning the scope of the work
35 to be performed under the contract had submitted an application
36 for a certificate of authority designating that individual as a
37 qualifying agent for the business organization entering into the
38 contract, and the application was not acted upon by the
39 department or applicable board within the applicable time
40 limitations imposed by s. 120.60.

41 Section 2. Subsection (21) is added to section 489.503,
42 Florida Statutes, to read:

43 489.503 Exemptions.--This part does not apply to:

44 (21) Inspections, audits, or quality assurance services
45 performed by a nationally recognized testing laboratory that the
46 Occupational Safety and Health Administration has recognized as
47 meeting the requirements of 29 C.F.R. s. 1910.7.

48 Section 3. Subsection (29) is added to section 489.505,
49 Florida Statutes, to read:

50 489.505 Definitions.--As used in this part:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

51 (29) "Nationally recognized testing laboratory" means an
52 organization that the Occupational Safety and Health
53 Administration has legally recognized to be in compliance with
54 29 C.F.R. s. 1910.7 and that provides quality assurance ,
55 product testing, or certification services.

56 Section 4. Paragraph (a) of subsection (1) of section
57 489.532, Florida Statutes, is amended to read:

58 489.532 Contracts entered into by unlicensed contractors
59 unenforceable.--

60 (1) As a matter of public policy, contracts entered into
61 on or after October 1, 1990, by an unlicensed contractor shall
62 be unenforceable in law or in equity by the unlicensed
63 contractor.

64 (a) For purposes of this section, an individual is
65 unlicensed if the individual does not have a license required by
66 this part concerning the scope of the work to be performed under
67 the contract. A business organization is unlicensed if the
68 business organization does not have a primary or secondary
69 qualifying agent in accordance with this part concerning the
70 scope of the work to be performed under the contract. For
71 purposes of this section, if no state or local license is
72 required for the scope of work to be performed under the
73 contract, the individual performing that work shall not be
74 considered unlicensed.

75 Section 5. Sections 1 and 4 are intended to be remedial in
76 nature and to clarify existing law. Sections 1 and 4 shall apply
77 retroactively to all actions, including any action on a lien or
78 bond claim, initiated on or after, or pending as of, July 1,
79 2006. If the retroactivity of any provision of section 1 or
80 section 4 or its retroactive application to any person or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

81 circumstance is held invalid, the invalidity does not affect the
82 retroactivity or retroactive application of other provisions of
83 sections 1 and 4.

84 Section 6. This act shall take effect July 1, 2006.
85
86

87 ===== T I T L E A M E N D M E N T =====

88 Remove the entire title and insert:

89 A bill to be entitled

90 An act relating to contracting; amending s. 489.503, F.S.;
91 exempting nationally recognized testing laboratories from
92 certain electrical and alarm system contracting
93 provisions; amending s. 489.505, F.S.; providing a
94 definition; amending ss. 489.128 and 489.532, F.S.;
95 providing that individuals performing certain construction
96 contracting work, certain business organizations entering
97 into construction contracts, or individuals performing
98 certain electrical and alarm system contracting work are
99 not considered unlicensed for purposes of contract
100 enforceability; providing for retroactive application;
101 providing an effective date.
102

COUNCIL MEETING REPORT

Commerce Council

4/20/2006 12:30:00PM

Location: 404 HOB

HB 1361 CS : Insurance

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson	X				
Gus Bilirakis			X		
Ellyn Setnor Bogdanoff	X				
Terry Fields			X		
Kenneth Gottlieb	X				
Edward Jennings	X				
Charlie Justice	X				
Dick Kravitz	X				
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan	X				
Anthony Traviesa	X				
Trudi Williams			X		
Frank Farkas (Chair)	X				
Total Yeas: 11		Total Nays: 0			

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 1361 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

ve

Council/Committee hearing bill: Commerce Council

Representative(s) Ross and Brown offered the following:

Amendment (with directory and title amendments)

Remove line(s) 20-41 and insert:

Section 1. Paragraph (r) is added to subsection (1) of section 624.605, Florida Statutes, to read:

624.605 "Casualty insurance" defined.--

(1) "Casualty insurance" includes:

(r)1. Insurance for debt cancellation products.--Insurance that a creditor may purchase against the risk of financial loss from the use of debt cancellation products with consumer loans and leases. Debt cancellation products, including, but not limited to, debt cancellation contracts, debt suspension agreements, and guaranteed asset protection contracts, are loan and lease contract terms, or modifications to loan or lease contracts, under which a creditor agrees to cancel or suspend all or part of a customer's obligation to make payments upon the occurrence of specified adverse events.

2. Debt cancellation products may be offered by financial institutions, as defined in 655.005(1)(h), pursuant to the same

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

terms and conditions as products offered by depository
institutions, as defined in 12. U.S.C. s. 1813(c), or federal
credit unions, as defined in 12. U.S.C. s. 1752(1), and such
products shall not constitute insurance for purposes of the
Florida Insurance Code.

===== T I T L E A M E N D M E N T =====

Remove line(s) 6-11 and insert:

An act relating to insurance; amending s. 624.605, F.S.;
defining insurance for debt cancellation products as part of
casualty insurance; describing debt cancellation products;
authorizing certain entities to offer debt cancellation products
under certain circumstances; specifying such products as not
constituting insurance;

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COUNCIL MEETING REPORT

Commerce Council

4/20/2006 12:30:00PM

Location: 404 HOB

HB 7055 CS : Enterprise Zones

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson	X				
Gus Bilirakis	X				
Ellyn Setnor Bogdanoff	X				
Terry Fields	X				
Kenneth Gottlieb	X				
Edward Jennings	X				
Charlie Justice			X		
Dick Kravitz	X				
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan	X				
Anthony Traviesa	X				
Trudi Williams	X				
Frank Farkas (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Keith Gordon (General Public) - Opponent
Economic Development Advisor/Consultant
10585 SW 109CT, Suite 210
Miami FL 33176
Phone: (786) 385-6924

House of Representatives
COMMITTEE BILL ACTION WORK SHEET

Committee on: Commerce Council

Date of Meeting: 4-20-06

Time:

Place:

Subject

Subject

Date Received

Date Reported

COMMITTEE ACTION:

☒ Favorable☐ Favorable with Committee Substitute☐ Temporarily Passed☐ Favorable with☐ Unfavorable☐ Reconsidered

Amendments

VOTE:

Other Action:

[illegible]

Yays	Nays			Yays	Nays	Yays	Nays	Yays	Nays	Yays	Nays
13	8	TOTALS									

COUNCIL MEETING REPORT

Commerce Council

4/20/2006 12:30:00PM

Location: 404 HOB

HB 7107 CS : Trademarks

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson			X		
Gus Bilirakis	X				
Ellyn Setnor Bogdanoff	X				
Terry Fields				X	
Kenneth Gottlieb	X				
Edward Jennings	X				
Charlie Justice			X		
Dick Kravitz	X				
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan			X		
Anthony Traviesa	X				
Trudi Williams	X				
Frank Farkas (Chair)	X				
Total Yeas: 10		Total Nays: 0			

H-830

COUNCIL MEETING REPORT

Commerce Council

4/20/2006 12:30:00PM

Location: 404 HOB

HB 7263 : Motor Vehicle Insurance

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Attkisson	X				
Gus Bilirakis	X				
Ellyn Setnor Bogdanoff		X			
Terry Fields				X	
Kenneth Gottlieb	X				
Edward Jennings	X				
Charlie Justice	X				
Dick Kravitz	X				
Kenneth Littlefield	X				
Dennis Ross	X				
Timothy Ryan	X				
Anthony Traviesa	X				
Trudi Williams		X			
Frank Farkas (Chair)	X				
Total Yeas: 11		Total Nays: 2			

Appearances:

Mark Delegal (Lobbyist) - Opponent
State Farm Mutual/Automobile Ins. Comp.
215 S. Monroe Street, #200
Tallahassee FL
Phone: 222-3533

Ralph Glatfelter (Lobbyist) - Proponent
Fl. Hospital Asso.
306 E. College Ave.
Tallahassee FL 32301

1

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

Bill No. HB 7263

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Commerce Council
2 Representative(s) Ross offered the following:

3
4 **Amendment (with title amendment)**

5 Remove line(s) 51-62.

6
7
8 ===== T I T L E A M E N D M E N T =====

9 Remove line(s) 3-4

2

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 7263

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Commerce Council

Representative(s) Ross offered the following:

Amendment (with title amendment)

Between line(s) 62 and 63 insert:

Section 2. Section 627.06501, Florida Statutes, is amended to read:

627.06501 Insurance discounts for certain persons completing driver improvement course.--

(1) Any rate, rating schedule, or rating manual for the liability, personal injury protection, and collision coverages of a motor vehicle insurance policy filed with the office may provide for a minimum of 2 percent, not to exceed 15 percent, reduction in premiums ~~an appropriate reduction in premium charges~~ as to such coverages when the principal operator on the covered vehicle has successfully completed a driver improvement course approved and certified by the Department of Highway Safety and Motor Vehicles which is effective in reducing crash or violation rates, or both, as determined pursuant to s. 318.1451(5). Any discount, not to exceed 10 percent, used by an

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

insurer is presumed to be appropriate unless credible data demonstrates otherwise.

(2) The premium reduction authorized by this section shall be effective for an insured for a 3-year period after successful completion of the approved course, except that the insurer may require, as a condition of maintaining the reduction, that the insured:

(a) Not be involved in an accident for which the insured is at fault; and

(b) Not be convicted of or plead guilty or nolo contendere to a moving traffic violation.

(3) The organization offering the course shall, upon a person's successful completion of the course, issue the person a certificate that the person may use to qualify for the premium discount authorized by this section. The Department of Highway Safety and Motor Vehicles shall require each person completing the course for the purposes of this section to pass a written test given by the organization to evaluate the person's knowledge of the content of the course.

(4) This section does not apply if the driver improvement course is taken in lieu of a court appearance for a traffic infraction as provided for in s. 318.14(9). However, the five-election restriction enumerated in that section is not applicable to taking the course for the purposes of receiving insurance premium reductions.

===== T I T L E A M E N D M E N T =====

Remove line(s) 4 and insert:
action against motor vehicle insurers; amending s. 627.06501, F.S.; specifying minimum and maximum motor vehicle insurance

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

51 premium discounts available under certain circumstances;
52 requiring the Department of Highway Safety and Motor Vehicles to
53 require certain motor vehicle insurance policyholders to pass a
54 written test under specified circumstances; specifying the
55 reason for the written test; amending

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3

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (2)

Bill No. HB 7263

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

Council/Committee hearing bill: Commerce Council
Representative(s) Ross offered the following:

Amendment (with title amendment)

Remove line(s) 79-90 and insert:

at the time that the court awards attorney's fees. The office shall investigate and initiate actions for any violation of this paragraph. The office may:

1. Administer oaths and affirmations
2. Subpoena witnesses and documents.
3. Collect evidence for possible use in civil, criminal or administrative proceedings.
4. Refer findings to appropriate criminal justice agencies for prosecution.
5. Seek all other available civil remedies provided by law.

===== T I T L E A M E N D M E N T =====

Remove line(s) 8 and insert:

Office of Insurance Regulation; providing for availability of additional

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4

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 7263

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)

ADOPTED AS AMENDED — (Y/N)

ADOPTED W/O OBJECTION — (Y/N)

FAILED TO ADOPT — (Y/N)

WITHDRAWN — (Y/N)

OTHER _____

1 Council/Committee hearing bill: Commerce Council

2 Representative(s) Ross offered the following:

3

4 **Amendment**

5 Remove line(s) 93 and insert:

6 benefits of up to \$10,000 are available for ambulance transport
7 and treatment, emergency services

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5

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (3)

Bill No. HB 7263

COUNCIL/COMMITTEE ACTION

ADOPTED	— (Y/N)
ADOPTED AS AMENDED	— (Y/N)
ADOPTED W/O OBJECTION	— (Y/N)
FAILED TO ADOPT	— (Y/N)
WITHDRAWN	— (Y/N)
OTHER	—

Council/Committee hearing bill: Commerce Council

Representative(s) Ross offered the following:

Amendment (with title amendment)

Remove line(s) 150-192 and insert:

627.7441 Motorcycles; medical payments coverage.-

(1) Each insurer authorized to write motor vehicle insurance in this state shall make motorcycle coverage available through normal marketing channels which coverage meets the security requirements of s. 324.025. Insurers may not require additional or collateral coverage be purchased in addition to the required security. An insurer writing motor vehicle liability coverage in this state that fails to comply with this availability requirement as a general business practice shall be deemed to have violated part IX of chapter 626, and such violation shall constitute an unfair method of competition or an unfair or deceptive act practice involving the business of insurance; any insurer committing such violation is subject to the penalties afforded in that part and penalties afforded elsewhere in the code.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (3)

21 (2) Any policy of insurance represented or sold as
22 providing the security required under this section shall be
23 deemed to provide insurance for the payment of the required
24 benefits.

25 (3) Upon the issuance of a new policy of insurance or the
26 renewal of an existing policy of insurance, an insurer shall
27 offer to each applicant or policyholder deductibles meeting the
28 requirements of s. 324.025 in amounts of \$250, \$500, and \$1,000.
29 The deductible amount must be applied to 100 percent of the
30 expenses and losses described in this section. After the
31 deductible is met, each insured is eligible to receive up to
32 \$10,000 in total benefits as provided by the policy. Each
33 election made by the named insured under this subsection shall
34 result in an appropriate reduction of premium associated with
35 that election.

36 (4)(a) For the purposes of this section, "medical payments
37 coverage" means coverage of the usual and customary charge for
38 reasonable and necessary expenses incurred within 3 years from
39 the date of an accident involving the covered motorcycle for
40 medical and funeral services because of bodily injury or death
41 sustained by an injured person caused by an accident arising out
42 of the ownership, maintenance, or use of the motorcycle or a
43 trailer, side car, or other device attached thereto.

44 (b) Subject to paragraph (c) of this subsection; covered
45 persons include the operator, or any other person occupying the
46 motorcycle or its sidecar or trailer.

47 (c) Covered persons include any person at least age 16 but
48 younger than age 21 and may, if available from the insurer and
49 if purchased by the owner or registrant of the motorcycle,
50 include all persons over the age of 20.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (3)

51 (5) The Automobile Joint Underwriting Association shall
52 make the coverage required under this section available to any
53 motorcycle owner or registrant who is in good faith entitled to,
54 but unable to, procure the security from an authorized insurer.

55 (6) The commission is authorized to adopt rules necessary
56 to implement this section.

57
58 Section 5. Section 324.025, Florida Statutes, is created
59 to read:

60 324.025 Motorcycles; requirement for insurance coverage.--

61 (1)(a) Every owner or registrant of a motorcycle as
62 defined in s. 316.003, required to be registered and licensed in
63 this state, who is at least age 16 but younger than age 21, must
64 maintain security as follows:

65 1. A policy of insurance from an authorized insurer
66 providing:

67 a. Property damage coverage as required by s. 324.022.

68 b. Medical payments coverage providing a medical
69 payments benefit of \$10,000 as set forth in s. 627.7441; or

70 2. By furnishing proof of financial responsibility
71 pursuant to s. 324.031(2), (3), or (4) and approved by the
72 Department of Highway Safety and Motor Vehicles as affording
73 security equivalent to that afforded by a policy of insurance as
74 provided in subparagraph (a)1. of this subsection.

75 (b) With respect to a policy of insurance, the named
76 insured may elect a deductible as specified in s. 627.7441 to
77 apply to the named insured alone or to the named insured and
78 dependent relatives residing in the same household but may not
79 elect a deductible or modified coverage to apply to any other
80 person covered under the policy.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (3)

81 (2) An owner of a motorcycle with respect to which
82 security is required by this section who fails to have such
83 security in effect at the time of an accident is personally
84 liable for the payment of benefits under this section. With
85 respect to such benefits, such an owner has all of the rights
86 and obligations of an insurer.

87 (3) The Department of Highway Safety and Motor
88 Vehicles is authorized to adopt rules pursuant to ss. 120.536(1)
89 and 120.54 necessary to implement this section.

90 Section 6. Section 316.646, Florida Statutes, is amended
91 to read:

92 316.646 Security required; proof of security and display
93 thereof; dismissal of cases.--

94 (1) Any person required by s. 627.733 to maintain personal
95 injury protection security on a motor vehicle or required to
96 have motorcycle insurance coverage as required by s. 324.025
97 shall have in his or her immediate possession at all times while
98 operating such motor vehicle or motorcycle proper proof of
99 maintenance of the security required by s. 627.733 or s.
100 324.025, as applicable. Such proof shall be either a uniform
101 proof-of-insurance card in a form prescribed by the department,
102 a valid insurance policy, an insurance policy binder, a
103 certificate of insurance, or such other proof as may be
104 prescribed by the department.

105 (2) If, upon a comparison of the vehicle registration
106 certificate or other evidence of registration or ownership with
107 the operator's driver's license or other evidence of personal
108 identity, it appears to a law enforcement officer or other
109 person authorized to issue traffic citations that the operator
110 is also the owner or registrant of the vehicle, upon demand of

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (3)

the law enforcement officer or other person authorized to issue traffic citations the operator shall display proper proof of maintenance of security as specified by subsection (1).

(3) Any person who violates this section is guilty of a nonmoving traffic infraction subject to the penalty provided in chapter 318 and shall be required to furnish proof of security as provided in this section. If any person charged with a violation of this section fails to furnish proof, at or before the scheduled court appearance date, that security was in effect at the time of the violation, the court may immediately suspend the registration and driver's license of such person. Such license and registration may only be reinstated as provided in s. 627.733 except that licenses and registrations that have been suspended for failure to provide proof of insurance as required by s. 324.025 may only be reinstated as provided in subsection (4).

(4) In order to reinstate licenses and registrations that have been suspended for failure to provide proof of the insurance required by s. 324.025, the owner must provide proof of compliance with the requirements of s.324.025, pay to the Department of Highway Safety and Motor Vehicles a nonrefundable reinstatement fee of \$150 for the first reinstatement. Such reinstatement fee shall be \$250 for the second reinstatement and \$500 for each subsequent reinstatement during the 3 years following the first reinstatement. Any person reinstating her or his insurance under this subsection must also secure noncancelable coverage as described in s. 324.025 and present to the appropriate person proof that the coverage is in force on a form promulgated by the Department of Highway Safety and Motor Vehicles, and maintain such proof for 2 years. If the person

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (3)

141 does not have a second reinstatement within 3 years after her or
142 his initial reinstatement, the reinstatement fee shall be \$150
143 for the first reinstatement after that 3-year period. In the
144 event that a person's license and registration are suspended
145 pursuant to this section or s. 316.646, only one reinstatement
146 fee shall be paid to reinstate the license and the registration.
147 All fees shall be collected by the Department of Highway Safety
148 and Motor Vehicles at the time of reinstatement. The Department
149 of Highway Safety and Motor Vehicles shall issue proper receipts
150 for such fees and shall promptly deposit those fees in the
151 Highway Safety Operating Trust Fund.

152 (5)(4) Any person presenting proof of insurance as
153 required in subsection (1) who knows that the insurance as
154 represented by such proof of insurance is not currently in force
155 is guilty of a misdemeanor of the first degree, punishable as
156 provided in s. 775.082 or s. 775.083.

157 Section 7. Subsection (5) of section 320.02, Florida
158 Statutes, is amended to read:

159 320.02 Registration required; application for
160 registration; forms.--

161 (5)(a) Proof that personal injury protection benefits have
162 been purchased when required under s. 627.733, that property
163 damage liability coverage has been purchased as required under
164 s. 324.022, and that combined bodily liability insurance and
165 property damage liability insurance have been purchased when
166 required under s. 627.7415 shall be provided in the manner
167 prescribed by law by the applicant at the time of application
168 for registration of any motor vehicle owned as defined in s.
169 627.732. Proof that insurance coverage has been purchased as
170 required by s. 324.025 shall be provided in the manner

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (3)

171 prescribed by law by the applicant at the time of application
172 for registration for a motorcycle as defined in s. 316.003. The
173 issuing agent shall refuse to issue registration if such proof
174 of purchase is not provided. Insurers shall furnish uniform
175 proof-of-purchase cards in a form prescribed by the department
176 and shall include the name of the insured's insurance company,
177 the coverage identification number, the make, year, and vehicle
178 identification number of the vehicle insured. The card shall
179 contain a statement notifying the applicant of the penalty
180 specified in s. 316.646(4). The card or insurance policy,
181 insurance policy binder, or certificate of insurance or a
182 photocopy of any of these; an affidavit containing the name of
183 the insured's insurance company, the insured's policy number,
184 and the make and year of the vehicle insured; or such other
185 proof as may be prescribed by the department shall constitute
186 sufficient proof of purchase. If an affidavit is provided as
187 proof, it shall be in substantially the following form:

188
189 Under penalty of perjury, I (Name of insured) do hereby
190 certify that I have (Personal Injury Protection, Property
191 Damage Liability, and, when required, Bodily Injury Liability)
192 Insurance currently in effect with (Name of insurance company)
193 under (policy number) covering (make, year, and vehicle
194 identification number of vehicle) . (Signature of Insured)
195

196 Such affidavit shall include the following warning:
197

198 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
199 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (3)

200 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
201 SUBJECT TO PROSECUTION.

202
203 When an application is made through a licensed motor vehicle
204 dealer as required in s. 319.23, the original or a photostatic
205 copy of such card, insurance policy, insurance policy binder, or
206 certificate of insurance or the original affidavit from the
207 insured shall be forwarded by the dealer to the tax collector of
208 the county or the Department of Highway Safety and Motor
209 Vehicles for processing. By executing the aforesaid affidavit,
210 no licensed motor vehicle dealer will be liable in damages for
211 any inadequacy, insufficiency, or falsification of any statement
212 contained therein. A card shall also indicate the existence of
213 any bodily injury liability insurance voluntarily purchased.

214 (b) When an operator who owns a motor vehicle is subject
215 to the financial responsibility requirements of chapter 324,
216 including s. 324.022, such operator shall provide proof of
217 compliance with such financial responsibility requirements at
218 the time of registration of any such motor vehicle by one of the
219 methods constituting sufficient proof of purchase under
220 paragraph (a). The issuing agent shall refuse to register a
221 motor vehicle if such proof of purchase is not provided or if
222 one of the other methods of proving financial responsibility as
223 set forth in s. 324.031 is not met.

224 (c) For purposes of providing proof of purchase of
225 required insurance coverage under this subsection, the Office of
226 Insurance Regulation of the Financial Services Commission shall
227 require that uniform proof-of-purchase cards specified by the
228 Department of Highway Safety and Motor Vehicles be furnished by
229 insurers writing motor vehicle liability insurance in this

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (3)

state. Any person altering or counterfeiting such a card or making a false affidavit in order to furnish false proof or to knowingly permit another person to furnish false proof is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(d) The verifying of proof of personal injury protection insurance, proof of combined bodily liability insurance and property damage liability insurance, or proof of financial responsibility insurance and the issuance or failure to issue the motor vehicle registration under the provisions of this chapter may not be construed in any court as a warranty of the reliability or accuracy of the evidence of such proof. Neither the department nor any tax collector is liable in damages for any inadequacy, insufficiency, falsification, or unauthorized modification of any item of the proof of personal injury protection insurance, proof of combined bodily liability insurance and property damage liability insurance, or proof of financial responsibility insurance or motorcycle insurance required by s. 324.025 either prior to, during, or subsequent to the verification of the proof. The issuance of a motor vehicle registration does not constitute prima facie evidence or a presumption of insurance coverage.

(e) The department shall suspend the registration, issued under this chapter or s. 207.004(1), of a motor carrier who operates a commercial motor vehicle or permits it to be operated in this state during the registration period without having in full force and effect liability insurance, a surety bond, or a valid self-insurance certificate that complies with the provisions of this section. The liability insurance policy or surety bond may not be canceled on less than 30 days' written

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (3)

notice by the insurer to the department, such 30 days' notice to
commence from the date notice is received by the department.

===== T I T L E A M E N D M E N T =====

Remove line(s) 28 and insert:

the Financial Services Commission to adopt rules; creating s.
324.025, F.S; requiring certain owners and registrants of
motorcycles to maintain specified security; requiring medical
payments and property damage coverage; authorizing payments and
property damage coverage; authorizing alternative types of
security; authorizing deductibles and applicability of the
deductibles; making an owner or registrant personally
responsible for failure to maintain the required security;
authorizing the Department of Highway Safety and Motor Vehicles
to adopt rules; amending s. 316.646, F.S.; requiring motorcycle
registrants to provide proof of security under specified
circumstances; authorizing law enforcements personnel to request
proof of security; providing penalties for failure to provide
proof of security; requiring the Department of Highway Safety
and Motor Vehicles to suspend a driver license and vehicle
registration under specified conditions; requiring payments of
fines; authorizing reinstatement of suspended vehicle
registrations and driver licenses after payment of fines and
providing proof of security; amending s. 320.02, F.S.; requiring
proof of security annually when a motorcycle is registered or
registration is renewed; amending

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 7263

COUNCIL/COMMITTEE ACTION

ADOPTED	— (Y/N)
ADOPTED AS AMENDED	— (Y/N)
ADOPTED W/O OBJECTION	— (Y/N)
FAILED TO ADOPT	— (Y/N)
WITHDRAWN	— (Y/N)
OTHER	—

Withdrawn

1 Council/Committee hearing bill: Commerce Council
2 Representative(s) Gottlieb offered the following:
3

4 **Amendment (with title amendment)**

5 Remove line(s) 115-117 and insert:

6 627.428 shall apply.
7

8 ===== T I T L E A M E N D M E N T =====
9

9 Remove line(s) 12-14 and insert:

10 attorney fee provisions to certain disputes; amending s.

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7

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 7263

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Commerce Council
Representative(s) Gottlieb offered the following:

Amendment (with directory and title amendments)

Between line(s) 270 and 271 insert:

(8)

(c) A lawyer, health care practitioner as defined in s. 456.001, or owner or medical director of a clinic required to be licensed pursuant to s. 400.9905 may not, at any time after 60 days have elapsed from the occurrence of a motor vehicle accident, solicit or cause to be solicited any business from a person involved in a motor vehicle accident by means of in person or telephone contact at the person's residence, office, or other telephone number for the purpose of making motor vehicle tort claims or claims for personal injury protection benefits required by s. 627.736. Any person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

===== D I R E C T O R Y A M E N D M E N T =====

Remove line(s) 268-269 and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 Section 8. Paragraph (c) of subsection (8) and subsection
23 (9) of section 817.234, Florida Statutes, are amended to read:

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25 ===== T I T L E A M E N D M E N T =====

26 Remove line(s) 39 and insert:
27 person's driver's license; amending s. 817.234, F.S.;
28 prohibiting specified persons from soliciting business by
29 telephone from persons involved in a motor vehicle accident;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 7263

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O ~~OBJECTION~~ /obj _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

*Adopted w/out
objection*

Council/Committee hearing bill:

Representative(s) Farkas offered the following:

Amendment (with directory and title amendments)

Between line(s) 67 & 68 insert:

(6) REQUEST FOR PATIENT DIAGNOSTIC AND TREATMENT RECORDS
AND INFORMATION ~~DISCOVERY OF FACTS~~ ABOUT AN INJURED PERSON;
DISPUTES.-

(a) Every employer shall, if a request is made by an insurer providing personal injury protection benefits under ss. 627.730-627.7405 against whom a claim has been made, furnish forthwith, in a form approved by the office, a sworn statement of the earnings, since the time of the bodily injury and for a reasonable period before the injury, of the person upon whose injury the claim is based.

(b) Every physician, hospital, clinic, or other medical institution providing, before or after bodily injury upon which a claim for personal injury protection insurance benefits is based, any products, services, or accommodations in relation to that or any other injury, or in relation to a condition claimed to be connected with that or any other injury, shall, if

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 requested to do so by the insurer against whom the claim has
23 been made, furnish forthwith a written report of the history,
24 condition, treatment, dates, and costs of such treatment of the
25 injured person and why the items identified by the insurer were
26 reasonable in amount and medically necessary, together with a
27 sworn statement that the treatment or services rendered were
28 reasonable and necessary with respect to the bodily injury
29 sustained and identifying which portion of the expenses for such
30 treatment or services was incurred as a result of such bodily
31 injury, and produce forthwith, and permit the inspection and
32 copying of, his or her or its records regarding such history,
33 condition, treatment, dates, and costs of treatment; provided
34 that this shall not limit the introduction of evidence at trial.
35 Such sworn statement shall read as follows: "Under penalty of
36 perjury, I declare that I have read the foregoing, and the facts
37 alleged are true, to the best of my knowledge and belief." No
38 cause of action for violation of the physician-patient privilege
39 or invasion of the right of privacy shall be permitted against
40 any physician, hospital, clinic, or other medical institution
41 complying with the provisions of this section. The person
42 requesting such records and such sworn statement shall pay all
43 reasonable costs connected therewith. If an insurer makes a
44 written request for documentation or information under this
45 paragraph within 30 days after having received notice of the
46 amount of a covered loss under paragraph (4)(a), the amount or
47 the partial amount which is the subject of the insurer's inquiry
48 shall become overdue if the insurer does not pay in accordance
49 with paragraph (4)(b) or within 10 days after the insurer's
50 receipt of the requested documentation or information, whichever
51 occurs later. For purposes of this paragraph, the term "receipt"

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

52 includes, but is not limited to, inspection and copying pursuant
53 to this paragraph. Any insurer that requests documentation or
54 information pertaining to reasonableness of charges or medical
55 necessity under this paragraph without a reasonable basis for
56 such requests as a general business practice is engaging in an
57 unfair trade practice under the insurance code.

58 (c) In the event of any dispute regarding an insurer's
59 right to request for patient diagnostic or treatment information
60 ~~discovery of facts~~ under this section, the insurer may petition
61 a court of competent jurisdiction to enter an order permitting
62 such request for patient diagnostic or treatment information
63 ~~discovery~~. The order may be made only on motion for good cause
64 shown and upon notice to all persons having an interest, and it
65 shall specify the time, place, manner, conditions, and scope of
66 the request for patient diagnostic or treatment information
67 ~~discovery~~. Such court may, in order to protect against
68 annoyance, embarrassment, or oppression, as justice requires,
69 enter an order refusing the request for patient diagnostic or
70 treatment information discovery or specifying conditions of the
71 request for patient diagnostic or treatment information
72 ~~discovery~~ and may order payments of costs and expenses of the
73 proceeding, including reasonable fees for the appearance of
74 attorneys at the proceedings, as justice requires.

75 (d) The injured person shall be furnished, upon request, a
76 copy of all information obtained by the insurer under the
77 provisions of this section, and shall pay a reasonable charge,
78 if required by the insurer.

79 (e) Notice to an insurer of the existence of a claim shall
80 not be unreasonably withheld by an insured.
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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

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===== D I R E C T O R Y A M E N D M E N T =====

Remove line(s) 63 and 64 and insert:

Section 2. Paragraph (c) of subsection (6), and paragraph (f) of subsection (11) of section 627.736, Florida Statutes, are amended, and subsections (14) and (15) are added to that section, to read:

===== T I T L E A M E N D M E N T =====

Remove line 5 , and insert:

627.736, F.S.; clarifying that a motor vehicle insurer's request for specified information from a health care provider is not civil discovery; specifying the type of information an insurer may request; providing for specified damages and

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